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11 Attorneys for Plaintiffs and the Class

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

14 SCOTT KOLLER, CAROLYN BISSONETTE,  
15 CECE CASTORO, STEPHEN FREIMAN,  
16 DIANE GIBBS, DARLENE WILLIAMS, and  
17 ROBERT GLIDEWELL, on behalf of  
themselves, the general public and those similarly  
situated,

18 Plaintiffs,

19 v.

20 MED FOODS, INC., and DEOLEO USA,  
21 INC.

22 Defendants.  
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CASE NO. 14-cv-2400 (RS)

**DECLARATION OF ELISA  
ODABASHIAN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND APPLICATION  
FOR ATTORNEYS' FEES, COSTS AND  
INCENTIVE AWARDS**

Date: August 9, 2018

Time: 1:30 p.m.

Dept: Courtroom 3, 17<sup>th</sup> Floor

Judge: Hon. Richard Seeborg

1 I, Elisa Odabashian, declare as follows:

2 1. I am the director of strategic initiatives and the West Coast Office of Consumers  
3 Union, the advocacy arm of Consumer Reports. I submit this declaration in support of the  
4 designation of Consumers Union as a proposed *cy près* beneficiary in *Koller v. Deoleo USA, Inc.*, No.  
5 3:14-cv-02400-RS. I have been with Consumers Union for 24 years. I have personal knowledge of  
6 the facts stated herein and could testify to them if called upon to do so.

7 2. As the advocacy arm of Consumer Reports, Consumers Union seeks to empower  
8 consumers as they navigate their way through an increasingly complex marketplace. Consumers  
9 Union works with our content providers at Consumer Reports, as well as with other non-profit  
10 organizations across the country, to fight for a fairer, safer, and more transparent marketplace for  
11 consumers, before state legislatures and Congress, state and federal regulatory agencies, and through  
12 marketplace campaigns targeting corporate actors.

13 3. Consumers Union has a long history of working to educate and protect consumers in  
14 the marketplace. Since its first issue in 1936, Consumers Union has never accepted or published paid  
15 ads in Consumer Reports. Free from the pressures of advertisers and commercial influence,  
16 Consumer Reports has tackled some of the toughest safety and misleading advertising issues of the  
17 time, evaluating new products and technologies, warning consumers about potential dangers and  
18 unfounded claims by advertisers, and fighting for accurate labeling.

19 4. Consumers Union employs attorneys, policy analysts, grassroots organizers,  
20 researchers, media experts, and outreach specialists who advocate for consumer protections in the  
21 areas of financial services, food safety, product safety, health care, telecommunications, and clean  
22 energy. Consumers Union advocates for, sponsors and weighs in on legislation, pushes for regulatory  
23 reforms, watchdogs the implementation of new laws, runs public education and marketplace  
24 campaigns, supports and opposes state ballot measures, publishes reports that highlight original  
25 research and surveys, and provides trusted expertise in the media. More than 1.5 million e-activists  
26 have signed up to follow Consumers Union and take action on issues that impact them. Consumers  
27 Union's stories database empowers consumers to describe their experiences in the marketplace dealing  
28 with misleading advertising, and unsafe products and practices—or to describe their interactions with

1 good corporate actors. We work with the story sharers to develop and fact-check their stories, and  
 2 with permission, provide them to reporters who are writing about a particular problem in the  
 3 marketplace, and to legislators who are looking for examples of the problem their legislation is  
 4 endeavoring to fix. People who share their stories with us become some of Consumers Union's most  
 5 active and engaged volunteers.

6 5. Consumers Union has long been on the cutting edge of reporting risks and advocating  
 7 for transparency and improvements in quality and safety of the consumer marketplace, fights for  
 8 accurate labeling and consumer protections in the products and services that consumers often  
 9 encounter in the marketplace, and is tireless in its efforts on behalf of its only constituency—the  
 10 public. Accordingly, Consumers Union has extensive consumer protection and advocacy experience  
 11 within the field of food labeling and advertising. For example, Consumers Union has been working to  
 12 educate consumers and lawmakers about (1) misleading claims on food product labels, (2) food  
 13 labeling laws that could clarify the terms “healthy” and “natural,” (3) unexpected “junk” foods and  
 14 potentially misleading food labeling claims, (4) hidden sources of sodium in food products, and (5) the  
 15 need for transparency in “organic”<sup>1</sup> and GMO labeling. Thus, Consumers Union can and intends to  
 16 direct any *cy près* award received pursuant to forward its work in the accuracy and transparency of food  
 17 labeling and advertisements.

18 6. I am generally familiar with the subject matter of this litigation and the composition of  
 19 the class. Consumers Union has advocates and content providers working throughout the United  
 20 States and can ensure that *cy près* funded consumer protection services reach a broad spectrum of  
 21 consumers throughout the United States. Accordingly, directing *cy près* funds to Consumers Union  
 22 presents a unique opportunity to contribute funds to an organization working directly on the issues  
 23 relevant to this action and on behalf of all proposed class members.

24 7. Over decades, Consumers Union and Consumer Reports have amassed a wide body of  
 25 work on the mislabeling of foods. As it relates specifically to olive oil, Consumer Reports has  
 26 published a number of pieces, including one from 1942 on [Oily Olive-Oil Claims](#),<sup>2</sup> from 2004 entitled,

27  
 28 <sup>2</sup> <https://www.consumerreports.org/food-safety/food-fights-fouls-and-victories/>

1 [Olive Oil: A Cheap Bottle Beats A Pricier Lineup](#),<sup>3</sup> from 2012 on [How To Find The Best Extra-Virgin](#)  
 2 [Olive Oil](#),<sup>4</sup> and from 2013 assessing how processing impacts the risks and benefits of olive oil,  
 3 entitled, [Fat Facts and Fat Fiction](#).<sup>5</sup>

4 8. Consumers Union has been approved by courts as a cy pres recipient in several other  
 5 class action law suits, including: *Aurora Dairy Corp. Organic Milk Marketing & Sales Practices*, 4:08-md-  
 6 01907-ERW (E.D. Mo.); *Beck-Ellman v. Kaz*, 10cv2134H (DHB) (S.D. Cal.); *Dennis v. Kellogg*, 09-CV-  
 7 1786-L (WMc) (S.D. Cal.); *Gay v. Tom's of Maine*, 14-cv-60604-KMM (S.D. Fla.); *Miller v. Ghirardelli*, 12-  
 8 cv-04936-LB (N.D. Cal.); *Trammell v. Barbara's Bakery*, 12-cv-02664-CRB (N.D. Cal.).

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 10 This declaration was executed this 28th day of June, 2018, at San Francisco, California. I state  
 11 the foregoing under penalty of perjury under the laws of the United States.

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 Elisa Odabashian

<sup>3</sup> <https://consumersunion.org/research/olive-oil-a-cheap-bottle-beats-a-pricier-lineup/>

<sup>4</sup> <https://www.consumerreports.org/cro/magazine/2012/09/how-to-find-the-best-extra-virgin-olive-oil/index.htm>

<sup>5</sup> <https://www.consumerreports.org/cro/2013/02/fat-facts-and-fat-fiction/index.htm>